

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L. DATTU

WRIT PETITION NO. 15605/1998

BETWEEN:

Sri S.G. Annappa Swamy  
S/o Govindaraju Naidu  
major, R/o Azad Road  
Sakaleshpur Town, Hassan.

326  
.... Petitioner.

(By Sri E. Gopalakrishna, Adv.)

AND:

1. The Circle Inspector of Police  
Sakaleshpura Town, Hassan Dist.

2. The Sub-Inspector, Town  
Police Station, Sakaleshpur  
Hassan Dist.

3. The Geologist, Dept. of Mines  
& Geology, SMIG-73, Kuvempu-  
nagar, Hassan-573 201.

4. The Tahsildar  
Sakaleshpur Town  
Hassan Dist.

.... Respondents.

-----  
This W.P. is filed under Arts. 226 & 227 of  
the Constitution of India, praying to direct R1  
to 3 to stop the illegal quarrying sand in the  
scheduled area, etc.

This W.P. coming on for Preliminary Hearing  
this day, the Court made the following:

11

ORDER

Petitioner claims in this writ petition that he was awarded a licence for quarrying sand in the Hemavathy river bed over an extent of 13.5 acres adjoining Sy.Nos. 211, 222, 223, 224, 5 and 6 of Sakaleshpur, Hassan District. That period had expired. Thereafter, petitioner had filed necessary application before the concerned authorities for renewal of the quarrying licence. That application of the petitioner for renewal has been rejected by the authorities. Petitioner also states in the writ petition that he has already filed an appeal against the orders made by the respondent-authority rejecting his application for renewal of quarrying licence and that application is pending for consideration.

2. In this petition, petitioner's grievance is that some persons of the village are illegally quarrying sand in the aforesaid Sy.Nos. It is his case before this Court that he has already complained before the respondents to take appropriate action against those persons, who are carrying on illegal quarrying of sand. According to him, the respondents

11

are not taking any action and it is for this reason, he is before this Court to direct the respondents 1 to 3 to stop the illegal quarrying of sand in the scheduled area.

3. Petitioner has no right in the land. As on today, he does not have any valid licence to quarry the sand in the aforesaid Sy.Nos. If for any reason, some other persons are quarrying the sand in the aforesaid Sy.Nos., the respondents will definitely take appropriate action to stop the illegal quarrying.

4. In my view, petitioner cannot have any grievance. It is for the State authorities to protect their interest in the scheduled lands since it is a Government land. Now that the petitioner has brought to the notice of the respondents the illegal quarrying of sand that is taking place in the scheduled land, I am confident that the respondent-authorities will take appropriate action to stop the illegal quarrying in the aforesaid scheduled lands.

5. In view of the above, I do not find any good ground to grant the relief sought for by the

11

...4...

329

petitioner. Accordingly, I decline to entertain  
this writ petition and accordingly it is rejected.

Sd/-  
JUDGE



BMM/04061998